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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,548	12/13/2001	Barry Mark Jackson	600.1201	6265

23280 7590 08/25/2003

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NEW YORK, NY 10018

EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

10/016,548

Applicant(s)

JACKSON ET AL.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 8-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: .  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of group I (claims 1-7) in Paper No. 6 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertolini et al. (4,822,328) in view of Kubota et al. (5,122,109).

Bertolini discloses a folding cylinder (Fig. 1; via 11) comprising a plurality of gripping devices (Fig. 1; via 13') supported on a first rotatable support (Fig. 2; via 17) and including a first gripping device for holding a signature on the cylinder (Fig. 1); a plurality of tucking devices (Fig. 1; via 12) supported on a second rotatable support (Figs. 1 and 2), the tucking devices including a first tucking device and a second tucking device (Fig. 1), the first gripping device (13') being located circumferentially between the first tucking device and second tucking device (Fig. 1). Bertolini does not disclose a cover extending circumferentially over the first gripping device between the first tucking device and the second tucking device and the cover having at least one aperture and the first gripping device capable of extending through the at least one aperture nor a second cover. However, Kubota discloses a cover (Figs. 1 and 2; via 27)

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extending circumferentially and the cover having at least one aperture (Figs. 1 and 2) and the folding blade (2) capable of extending through the at least one aperture.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Bertolini's folding cylinder by having a cover extending circumferentially over the first gripping device between the first tucking device and the second tucking device and the cover having at least one aperture and the first gripping device capable of extending through the at least one aperture and a second cover, as suggested by Kubota, in order to provide an improved folding drum in a folding machine for use with a rotary press which can produce folded binders of good quality and perform a high speed printing operation (column 1, lines 65-68).

Regarding claim 2: Kubota discloses that the aperture includes a plurality of apertures spaced axially next to each other (Fig. 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Bertolini's folding cylinder by having the aperture includes a plurality of apertures spaced axially next to each other, as suggested by Kubota, in order to provide an improved folding drum in a folding machine for use with a rotary press which can produce folded binders of good quality and perform a high speed printing operation (column 1, lines 65-68).

Regarding claims 3 and 4: Bertolini does not <sup>readably</sup> clearly disclose that the first gripping device includes a plurality of axially spaced grippers nor axially spaced impaling pins. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Bertolini's folding apparatus by having the first gripping device includes

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a plurality of axially spaced grippers and axially spaced impaling pins, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Regarding claim 5: Bertolini discloses that the second support are rotatable with respect to each other so as to set a signature fold position, see for example (Figs. 1 and 2).

Regarding claim 6: Bertolini discloses that the second support is a spider having a first spider arm supporting the first tucking device (12) and a second spider arm supporting the second tucking device, see for example (Fig. 1). Bertolini does not disclose that the cover being fixed at one end to the first spider arm and at another end to the second spider arm. However, Kubota discloses that the cover (27) being fixed from both ends.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Bertolini's folding cylinder by having the cover being fixed at one end to the first spider arm and at another end to the second spider arm, as suggested by Kubota, in order to provide an improved folding drum in a folding machine for use with a rotary press which can produce folded binders of good quality and perform a high speed printing operation (column 1, lines 65-68).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fowler 3250622, Eckert 6165118, Kiamco 5707330, and Munn 3758102 disclose different folding apparatus

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809.


The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST.

August 20, 2003

  
EUGENE KIM  
PRIMARY EXAMINER